

UGANDA / JUDGMENT

In the matter of an Application to be appointed Legal Guardian by Craig Michael Latorre & Tonya Louise Hollandsworth Latorre (Family Cause 230 of 2010) [2010] UGHC 231 (21 December 2010) [2010] UGHC 231

COURT

High Court of Uganda

BEFORE

Kainamura, J

CASE / FILE NUMBER

Family Cause 230 of 2010

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THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT KAMPALA

FAMILY CAUSE NO. 230 OF 2010

IN THE MATTER OF CHERISH KIRABO (INFANT)

AND

IN THE MATTER OF AN APPLICATION TO BE APPOINTED LEGAL

GUARDIAN OF

**CHERISH KIRABO BY CRAIG MICHAEL LATORRE AND TONYA LOUISE
HOLLANDSWORTH LATORRE.**

BEFORE: HON. MR JUSTICE B. KAINAMURA.

RULUNG

This is an application for Legal guardianship under Article 139(1), of the Constitution of the Republic of Uganda, 1995, Section 14, of the Judicature Act cap. 13, Sections 2, 3, 4, 5 and 6 of the Children Act cap. 59, and Order 52 Rules 1 & 2 of the Civil Procedure Rules SI 71-1.

This application is by Notice of Motion and seeks for Orders that:-

- a) The applicants herein be appointed legal guardians of the child Cherish Kirabo with full parental rights and responsibilities.
- b) The applicants be allowed to immigrate with the infant to USA where the applicants reside so as to fulfill their parental responsibilities.
- c) Costs of this application be provided for.

The application is based on the grounds that;

- 1. The child was abandoned and efforts to trace for the child's parents or relatives have proved futile.
- 2. The child being in need of care and protection was committed to the care of Loving Hearts Babies Home.
- 3. The applicants are ready and willing to immigrate with the child to the USA where they reside and to provide the child with love, warmth and ^a healthy family environment.
- 4. The applicants have been found to be suitable adoptive parents by the probation and welfare officers in their country of origin.
- 5. It is in the best interest of the child that the applicants be granted legal guardianship over her.

The application is supported by the affidavits of the applicants, that of the social worker at Loving Hearts Babies Home - Mr. Samuel Namalabe and the probation report of the probation officer of Makindye Division, all which attest to the following facts;

The child - Cherish Kirabo, now approximately 8months old, was found abandoned late in the night along Sir Apollo Kaggwa Road by an unknown person on the 25th February ²⁰¹⁰ and the matter was reported to the chairman LC1, Makerere II Zone - Mr. Lwanga James. The chairman then reported the matter to the Family and Child protection Unit, Wandegeya Police Station on the 26th February 2010, where upon the child was referred to the probation Officer of Makindye Division. The child being

in need of care and protection was admitted to Loving Hearts Babies Home on the 26th February 2010. The home took out ^a Care Order by which the child was formally committed to the Home on the 1st of March 2010 vide ^a Care Order No. 40 of 2010. In an effort to trace the parents or relatives of the child, an advert was placed in ^a local Newspaper- the Daily Monitor of Friday, March 12, 2010, but no one came forward to claim the child. The probation and social welfare officer of Makindye Division has highly recommended the applicants as suitable adoptive parents and that granting this application will be in the best interest of the child.

^J '

The applicants were informed about the child by Amy Turley, a social worker with Loving Hearts Babies Home. Amy Turley informed the applicants of the plight of the child and the applicants then purposed to love the child and take her as their own by becoming his legal guardians and adopting her.

The applicants are adult American citizens and they got married to each other on the 28th July 1990 in Ann Arbor, Michigan. They have four biological children namely Donny LaTorre aged 17years, Jordan LaTorre aged 15years, Kevin LaTorre aged 12years and Jackson LaTorre aged 8years. Craig is employed as a General Manager at Conco Phillips Corporation in Katy while Tonya is a stay home mum. The applicants' annual income is \$415,000. Both applicants have a total life insurance of \$2,400,000. The applicants have been subjected to criminal background checks and were found to be clear of any criminal history pertaining to child abuse and neglect. The medical results reveal that the applicants are free of any communicable, physical or mental diseases that could endanger the child. The Home Study report about the applicants recommends them as suitable adoptive parents and state that;

"Craig and Tonya exhibit all possible Qualifications necessary to provide a loving and stable home".

^I am satisfied that the applicants on the facts available to me are suitable legal guardians of the child.

^I am satisfied that it is in the infants' best interest to grant the application and accordingly, the application by Craig Michael LaTorre and Tonya Louise Hollandsworth LaTorre to be appointed Legal guardian of Cherish Kirabo is granted.

The appointed legal guardians are permitted to immigrate with the child to the United States of America in order to fulfill their obligations as legal guardians.

The applicants are ordered to submit ^a report on the state and welfare of the child to the Registrar Family Division of the High Court of Uganda at Kampala every six months until the child is 18 years old or until directed otherwise.

The applicants will pay the costs of this application.

B. KAINAMURA JUDGE 21.12.2010

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